

Characteristics of State in Islamic Perspective: Review of the Application of Islamic Law in the Indonesian Legal System

Zainal Abidin Muhja
Faculty of Teacher Training and Education, University of Borneo Tarakan, Indonesia
zainalabidinmuhja@gmail.com

Arifin Faqih Gunawan
Faculty of Law, Pertiba University, Indonesia
arifinfaqih22@gmail.com

Erman I Rahim
Faculty of Law, Gorontalo State University, Indonesia
erman@ung.ac.id

Sardjana Orba Manullang
Faculty of Law, Krisnadwipayana University, Indonesia
somanullang@unkris.ac.id

Chami Yassine
College of Law, Dhofar University, Sultanate of Oman
yhami@du.edu.om

| Received: 01-01-2024

|| Revised: 02-02-2024

|| Accepted: 5-3-2024

| Published On: 30-04-2024

Abstract: This study aims to analyze the characteristics of state according to Islamic paradigm and the ideal form of relationship between religion and state in the Indonesian constitution. The main focus is on how the integration between religion and the state is manifested in these two contexts, as well as how Pancasila, as the ideology of the Indonesian state, plays a role in finding a balance between religious diversity and democratic principles. This research uses a normative legal method with a philosophical and analytical approach. Through analytical descriptive analysis, this study describes the prevailing laws and regulations, legal theory, and positive law enforcement practices related to this issue, both in the context of Islam and within the framework of the Indonesian constitution. The results show that state concept in Islam tends to maintain a strong integration between religion and state. Meanwhile, in the Indonesian context, Pancasila as a state ideology serves as a meeting point that accommodates diversity and democratic principles. This study reveals that despite the challenges, the compromise found in Pancasila has been a solution to maintain the unity of Indonesia in the midst of its religious and cultural diversity.

Keywords: *Islamic State thought, Pancasila, religious and state relations*

Abstrak: Penelitian ini bertujuan menganalisis ciri-ciri pemikiran negara dalam Islam dan bentuk ideal hubungan antara agama dan negara dalam konstitusi Indonesia. Fokus utama adalah bagaimana integrasi antara agama dan negara tercermin dalam kedua konteks tersebut, serta peran Pancasila sebagai ideologi negara Indonesia dalam mencari keseimbangan antara keberagaman agama dan prinsip demokratis. Metode yang digunakan adalah hukum normatif dengan pendekatan filosofis dan analitis. Melalui analisis deskriptif analitis, penelitian ini menjelaskan hukum dan regulasi yang berlaku, teori hukum, dan praktik penegakan hukum positif terkait dengan masalah ini, baik dalam konteks Islam maupun dalam kerangka konstitusi Indonesia. Hasilnya menunjukkan bahwa pemikiran negara dalam Islam cenderung mempertahankan integrasi yang kuat antara agama dan negara. Sementara itu, dalam konteks Indonesia, Pancasila sebagai ideologi negara berfungsi sebagai titik temu yang mengakomodasi keberagaman dan prinsip demokratis. Penelitian ini mengungkapkan bahwa meskipun dihadapkan pada tantangan, kompromi yang ditemukan dalam Pancasila telah menjadi solusi untuk menjaga kesatuan Indonesia di tengah keberagaman agama dan budayanya.

Keywords: *Pemikiran Negara Islam, Pancasila, Agama, Kenegaraan*

How to cite this article:

Zainal Abidin Muhja and others, Characteristics of State in Islamic Perspective: Review of the Application of Islamic Law in the Indonesian Legal System, *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan*, 11.1 (2024), 1-17.

Doi: <https://dx.doi.org/10.29300/mzn.v11i1.3299>



Copyright (c) 2024 The Authors

Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi, dan Keagamaan

Published by Faculty of Sharia, State Islamic University of Fatmawati Sukarno Bengkulu

This work is licensed under a [Creative Commons Attribution-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-sa/4.0/)

Introduction

The system of government is generally divided into two main systems, namely the presidential system and the parliamentary system.¹ Outside of these two so-called "mixed" systems, it can also take the form of quasi-presidential or quasi-parliamentary.² However, there also found so called the referendum system, a system in which the executive body is part of the legislative body, or what is usually called the legislative workers' body. In this system, the legislature forms sub-bodies within it as executors of government tasks. A referendum directly exercises control over the legislature.³

Theoretically, the position of the president in the presidential system is very strong compared to the position of the prime minister in the parliamentary system. It is natural because the presidential system is intended and expected to give birth to a relatively stable government within a certain period of time (the fixed term office period). Only impeachment can remove the president from office.⁴ During his term of office, if he commits a violation of the laws, unlike the parliamentary system of government, he can be deposed by the parliament through a motion of no confidence.⁵

In connection with the above, the constitutional system, also known as the Islamic constitutional system, is usually applied in Middle Eastern countries by codifying the legal system with Islamic law.⁶ The number of efforts that have been made by scholars in the search for the format of religious and state relations basically contains two intentions. First, to find the Islamic ideality of the state (emphasizing the theoretical and formal aspects), by answering the question, "What is the fideal orm of the state in Islam?". This approach is based on the assumption that Islam has a certain concept of the state. Second, to idealize from an Islamic perspective the process of state administration (emphasizing practical and substantial aspects) in answering, "what is the content of the state according to Islam?"⁷

The term relationship is defined as "networking", "connection," and "link." Meanwhile, "religion" is a set of rules that regulates human life so as not to be chaotic.⁸ The state, in terminology, is defined as the highest organization among a group of people who have ideals to unite, live in a certain area, and have a sovereign government.

This understanding contains the constitutive value of a country that requires the existence of elements in a country, namely the existence of a society (people), region (place), and sovereign government.⁹

¹ Ibnu Sam Widodo et al., *Hukum Tata Negara* (Sada Kurnia Pustaka, 2023).

² Tuti Khairani Harahap et al., "Pengantar Ilmu Hukum," *Penerbit Tahta Media* (May 30, 2023), accessed February 1, 2024, <https://tahtamedia.co.id/index.php/issj/article/view/255>.

³ Sulardi Sulardi, "Rekonstruksi Sistem Pemerintahan Presidensiil Berdasar Undang- Undang Dasar 1945 Menuju Sistem Pemerintahan Presidensiil Murni," *Jurnal Konstitusi* 9, no. 3 (2012): 515–530.

⁴ Impeachment according to the Big Indonesian Dictionary means to stop holding office; abdicated. The meaning of position in this case is the position as head of state or president. Ministry of Education, *Kamus Besar Bahasa Indonesia*, Edition IV (Cet. 1; Jakarta: Gramedia Pustaka Utama, 2008), h. 865

⁵ Erwin Chemerinsky, *Constitutional Law: Principles and Policies* (Aspen Publishing, 2019).

⁶ Mohamad Hidayat Muhtar et al., "Critical Study of Sharia Regional Regulations on Women's Emancipation," *International Journal of Religion* 5, no. 2 (January 16, 2024): 23–26.

⁷ Rijal Mumazziq Zionis, "Konsep Kenegaraan Dalam Islam: Perdebatan Relasional Yang Tak Kunjung Tuntas," *Jurnal Falasifa*. Vol 1 (2010).

⁸ Kasiono, Muhammad Amri, and Indo Santalia, "Islam Ditinjau Dari Berbagai Aspeknya," *Jurnal Ilmu Pendidikan dan Sosial* 1, no. 4 (January 6, 2023): 533–548.

⁹ Ahmad Sukardja, *Hukum Tata Negara & Hukum Administrasi Negara: Dalam Perspektif Fikih Siyasah* (Sinar Grafika, 2012).

The definition above can be used as a first step in this research in order to trace the term state in Islamic treasures.¹⁰

Dawlah, khilafah, imamah, law, and justice are some of the terminology used to describe the state in Islamic studies. This variety of definitions reflects the fact that Muslims have different perspectives and approaches to politics. Applying these principles in the context of national and state life requires a moderate interpretation of Islam which stresses the significance of openness to discourse in confronting differences, avoiding attitudes of feeling right, avoiding blaming each other, and mutual respect.¹¹

The mention of the state in Islam has various shades, as seen from the variety of mentioned terms. In reality, they have been practiced by Muslims in various regions, especially in the Middle East.¹² Relationship here means a connection which then raises some questions, such as whether the state should be subject to religious teachings.

Other follow up questions are; Should religion be co-opted by the state? Should the state and religion confront each other directly, without interference? Are religion and state positioned in different yet mutually beneficial spaces? Should religion and state unite? These questions gave birth to many polemics throughout history. As a country with a majority Muslim population, Indonesia is more characterized by a constitutional system or following the Western style. It is so much different from a country with a presidential system of

government in the Middle East using Islamic State which the president is unknown.¹³

Separate but related domains that investigate concerns regarding state co-optation of religion, direct confrontation, and the possibility of mutually advantageous cooperation are depicted in the image below which serves as an essential domain for earlier questions posed to reflect the intricacy of the relationship between the state and religion. Although the state and religious institutions are shown in separate zones with their each own unique emblems, the graphic demonstrates that despite their differences, they are still interconnected via shared spaces marked by bridges and negotiating tables which stand for communication and collaboration. With a majority Muslim population, Indonesia chooses to keep religion and state separate while allowing room for religious influence within the framework of a constitutional and democratic system. This contrasts with the model of Islamic states in the Middle East and the image can be interpreted as an analogy of Indonesia's presidential system of government influenced by Western thought and the country's constitutional system.

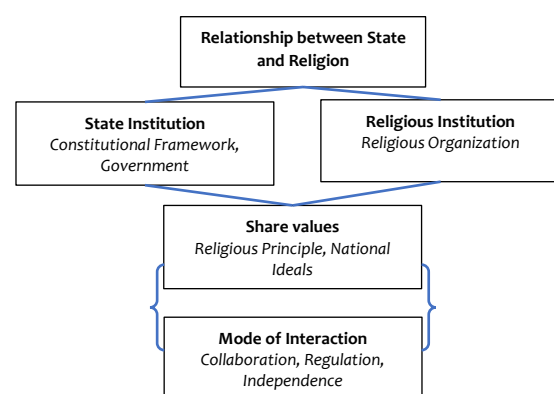


Figure 1. Relationship between State and Religion

¹⁰ Irma Suryani et al., "Integration of Islamic Law in Regional Development in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 1 (April 30, 2023): 1–11.

¹¹ Wahyu Abdul Jafar, "Persepsi Masyarakat Kota Bengkulu Terhadap Paham Islam Moderat," *JURNAL ILMIAH MIZANI: Wacana Hukum, Ekonomi, dan Keagamaan* 5, no. 1 (2018): 75–92.

¹² Suryani et al., "Integration of Islamic Law in Regional Development in Indonesia."

¹³ Nuvazria Achir and Mohamad Hidayat Muhtar, "Analisis Inovatif Peraturan Daerah terkait Pengelolaan Zakat dalam Perspektif Prinsip-prinsip Pemerintahan yang Baik," *Al-Mizan (e-Journal)* 19, no. 1 (June 30, 2023): 163–184.

Figure 1 illustrates the relationship between the state and religion within Indonesia's Constitution. Islamic law is embedded in the 1945 Constitution, particularly in the preamble which mentions "God Almighty." This reference highlights the integration of religious principles, including Islamic law, into the country's legal framework, reflecting the acknowledgment of religious values in the governance of Indonesia.¹⁴

Ahmad Sukardja concluded that when comparing the material between the Charter of Medina and the 1945 Constitution, the 1945 Constitution contains Islamic elements. Therefore, the opportunity to apply Islamic law in a constitutional legal manner is very wide open, and the application of Islamic law is getting more intensive.¹⁵

In the context of Indonesia, the Constitution adopts elements of Islamic State paradigm while also maintaining the principles of a more universal legal system. The characteristics of state in Islamic perspective, which include an emphasis on Islamic law (Sharia) as the main guide, raise questions about how this law applies in Indonesia's pluralistic legal system. On the one hand, using a presidential system of government, Indonesia gives a strong position to its president. However, unlike Islamic countries in the Middle East generally led by kings or *sultans*, Indonesia chooses a Republican leadership model. This reflects the influence of Western thought on

its governmental structure.¹⁶

Meanwhile, in the legal context, Indonesia recognizes the role of Islamic law, especially in issues related to the personal affairs of Muslims, such as marriage and inheritance. Religious courts and regulations derived from Islamic law reflect this recognition. The fourth paragraph of the Preamble to the 1945 Constitution stating "the Supreme Godhead" provides a constitutional foundation for the recognition and respect of religious values in the national legal system.

The figure furthermore shows how Islamic law has become a part of Indonesian law, particularly as it pertains to Muslim family issues like marriage and inheritance. The Qur'an and the scales of justice are traditional Islamic courtroom emblems in Indonesia which judges use when sitting in judicial robes. It also indicates dimension with additional visual components standing for the realm of private matters, such as family units and heritage emblems. Meanwhile, depictions of the Preamble to the 1945 Constitution, possibly through scrolls or prominent displays, emphasise the phrase "belief in the Almighty God" to underscore the constitutional basis for the recognition of religious values in Indonesia's national legal system as well as backgrounds that subtly incorporate the Indonesian flag or national symbols in a national context. It shows the respect for religious traditions and beliefs within the context of law and justice in Indonesia, illustrating how religious values are protected within the legal system.

The problems that arise in the context of state concept according to Islam and the

¹⁴ Mohamad Hidayat Muhtar, Nur Mohamad Kasim, and Irma Suryani, "The Role and Impact of Local Sharia Regulations in Indonesia's Constitutional Law (a Study of Characteristics Sharia Local Regulations)" (June 13, 2023), accessed November 21, 2023, <https://ejournal.unida.gontor.ac.id/index.php/tsaqafah/article/view/8717>.

¹⁵ Denny Indrayana, *Negara antara ada dan tiada: reformasi hukum ketatanegaraan* (Penerbit Buku Kompas, 2008).

¹⁶ Irma Suryani, "The Role and Impact of Local Sharia Regulation in Indonesia's Constitutional Law" (2023), accessed February 1, 2024, https://repo.iainbatangkar.ac.id/xmlui/bitstream/handle/123456789/28305/1687751980250_21.pdf?sequence=1.

relationship between religion and state in the Indonesian constitution are centered on two main questions. First, question on the characteristics of state according to Islam. It deals with a deep understanding of how Islam, as a religion and value system, influences and shapes governmental structures and practices. This question demands an explanation of how Islamic principles are integrated into the concept of statehood, including their influence on law, politics, and state administration.

Second, a question on the ideal form of relationship between religion and state in Indonesia. This is important considering that Indonesia is a country with the second largest Muslim population in the world which at the same time upholds the values of democracy and pluralism. This question delves deeper into how Indonesia, with its unique background, combines the principles of Islamic governance with existing socio-political needs and realities, and how this affects the implementation of laws and public policies. These two questions open space for a broad and in-depth discussion of the interaction between religious and secular elements in the context of statehood in Indonesia.

Prior study, such as those of Khaera, Rahman, and Kurniati; Hefner's *The Paradigm of Islamic Legal Products in Indonesia*; and others, should be considered as a foundation for the development of new ideas;¹⁷ Other than that, Mathar, Hardianti, and Misbahuddin¹⁸ collectively explore the legal and social aspects of Islamic law in Indonesia, including its growth and application in *fiqh*, ulama fatwas, court

decisions, and law. They highlight how Islamic legal products interact with the needs of society and the existing legal structure in Indonesia, as well as the challenges faced in applying these legal products. In contrast to those researchs, this current one discusses the characteristics of state in Islamic paradigm and the ideal relationship between religion and state in the Indonesian constitution, emphasizing the role of Pancasila in accommodating diversity and democratic principles. While the previous three studies focused more on the application of Islamic law and its implications, our research takes a broader approach, considering how state ideology plays a role in balancing religious diversity and democratic principles in Indonesia.

Based on that, formulation of the problem are (1) What are the characteristics of state thinking in islam? and (2) What is the ideal form of religion and state relations in the Indonesian constitution?

Literature Review

The application of Islamic law within the Indonesian legal system showcases a nuanced interplay between religious norms and state governance, reflecting the characteristics of state according to Islam. The literature presents a broad spectrum of perspectives on this integration, highlighting both opportunities and challenges inherent in aligning Islamic principles with national laws. Hadi's exploration underscores the relevance of Islamic law in enhancing state security and societal harmony, suggesting a synergistic relationship where Islamic precepts contribute to the just and prosperous governance of the state and society.¹⁹ Karimullah further elaborates on

¹⁷ Robert W. Hefner, "Islam and Institutional Religious Freedom in Indonesia," *Religions* 12, no. 6 (June 2021): 415.

¹⁸ Mathar, A., Hardianti, Misbahuddin, Kurniati. (2022). *Islamic Legal Thought Implementation in Indonesia*. *Journal of Social Science*. 3(4). <https://doi.org/10.46799/jss.v3i4.386>

¹⁹ Muhammad Hadi, "The Relevance of Islamic Law and Positive Law in State Safety Management: Literacy Study of Islam and National Law," *Madania: Jurnal Kajian Keislaman* 26, no. 1 (July 6, 2022): 85–94.

this concept by discussing the "Indonesianization" of Islamic law, which aims to codify and enforce it through the national legal system, fostering inclusiveness, tolerance, and pluralism in alignment with Pancasila, the foundational philosophy of the Indonesian state.²⁰

Khaera, Rahman, and Kurniati delve into the complexities of applying Islamic legal products in Indonesia, criticizing the static nature of traditional Islamic jurisprudence in contrast to the dynamic requirements of contemporary society.²¹ This dynamic versus static dichotomy underscores the challenges of reconciling the timeless principles of Islamic law with the evolving norms of state law. Heradhyaksa and Jamal look into how Islamic criminal law might be used in Indonesia's constitutional system. They say that the Indonesian Constitution makes it possible for Islamic criminal principles to be used as long as they are in line with the larger goals of peace and social reform.²²

Hudayana's research in 2022 on the change from Javanese Islam to a more shari'ah-centered identity within kinship-based social organizations shows how legal practices are based on society and how changes in religious identity can affect how the law is interpreted and used.²³ This shift is indicative of the broader evolution of Islamic practices in Indonesia as discussed by Lukens-Bull and Woodward, who outline the diversity of Muslim practices in the country,

ranging from traditionalist to reformist and Salafi-Wahhabi interpretations.²⁴

Hefner introduces the concept of institutional religious freedom, emphasizing the complex social structures that underpin individual religious rights and the legal recognition of diverse religious traditions.²⁵ This perspective invites a broader understanding of legal systems, suggesting that the successful integration of Islamic law within state governance requires an acknowledgment of the varied social and religious landscapes. This view is supported by Mathar, Hardianti, and Misbahuddin's study of Islamic legal thought in Indonesia.²⁶ It shows how Islamic law, fatwas, and court decisions have affected society and the law in Indonesia within the context of Islamic tradition and the country's history as a state.

In summary, the literature review reveals a multifaceted dialogue between Islamic law and the Indonesian legal system, characterized by efforts to harmonize religious precepts with state governance. This dialogue reflects the broader characteristics of state concept in Islam which advocates for a balance between divine guidance and the practical needs of a diverse and dynamic society. So, Indonesia's adoption of Islamic law is a great example of how difficult and useful it can be to combine religious laws with secular state laws in order to create a unified legal system that respects religious differences and promotes justice and well-being in society.

²⁰ Suud Sarim Karimullah, "Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law," *Mazahib* 21, no. 2 (December 27, 2022): 213–244.

²¹ Khaera and Rahman, "The Paradigm of Islamic Legal Products in Indonesia."

²² Bagas Heradhyaksa and Jasri Jamal, "The Opportunities of the Application of Islamic Criminal Law According to Indonesian Constitution," *Journal of Islamic Law Studies* 2, no. 2 (2017): 1.

²³ Bambang Hudayana, "Identity Shift: From Javanese Islam to Shari'ah-Centric Muslims in the Trah, a Kinship-Based Social Organisation," *Contemporary Islam* 16, no. 2 (October 1, 2022): 401–426.

²⁴ Ronald Lukens-Bull and Mark Woodward, "Variation of Muslim Practice in Indonesia," in *Handbook of Contemporary Islam and Muslim Lives*, ed. Ronald Lukens-Bull and Mark Woodward (Cham: Springer International Publishing, 2021), 619–640, accessed February 1, 2024, https://doi.org/10.1007/978-3-030-32626-5_78.

²⁵ Hefner, "Islam and Institutional Religious Freedom in Indonesia."

²⁶ Ahmad Mathar et al., "Islamic Legal Thought Implementation in Indonesia," *Journal of Social Science* 3, no. 4 (July 30, 2022): 898–905.

Methods

This research is categorized as normative legal research; it is based on the issues and/or themes raised as research topics. The research approach employed is philosophical and analytical methods, focusing on rational views, critical analysis, and philosophical analysis, ultimately aiming to generate novel findings in response to the main problem.²⁷ It will be further analyzed using analytical descriptive method, namely by describing the applicable legislation related to the theory of law and positive law enforcement practices related to the problem.²⁸

These normative research methods enable a comprehensive approach to the issues of statehood in Islam and the relationship between religion and state in the context of Indonesian statehood. Through a philosophical and analytical approach, this study explores the characteristics of state in Islam in a rational and critical-analytical way. This will reveal philosophical aspects underlying the Islamic view of state and government.

Furthermore, by using the descriptive analytical method, this study describes in detail the prevailing laws and regulations, especially those relating to the theory of law and the practice of positive law enforcement in Indonesia. Thus, this study will not only provide a deep understanding of the characteristics of state according to Islam, but also identify the ideal form of relations between religion and state in accordance with the framework of the Indonesian state. The end result of this study is expected to produce new findings that can answer the main problems formulated, making a valuable contribution to the understanding

of the interaction between religion and state in the context of Indonesia.

Results and Discussion

Characteristics Of State according to Islam

In the history of political science development, the concept of the state is a dominant one. When talking about political science, it means talking about the state and everything connected with it. At first, political science studied the problems of the state. The approach that emerged in political science is therefore a legal-formal one, an approach that understands political science from a formal legalistic angle by looking at political institutions as the object of study, including state issues.²⁹

The concept of the state has always had a special place; it has happened since Greek times and even now. During that period, thinkers put forward many ideas about the concept of the state. Thinkers of ancient Greece, such as Socrates, Plato, and Aristotle, talked about the concept of the state in their works.³⁰

In the realm of Islamic political thought, the discourse of state and politics have emerged since the classical, medieval, and modern centuries. Al-Farabi, Al Mawardi, and Al Ghazali are among those who were able to become political thinkers in the classical and Middle Ages. While in the modern century, there found famous figures such as Muhammad Abduh, Muhammad Rashid Rida, Muhammad Iqbal, and others. Rasyid Rida, a prominent Islamic scholar who is considered the most responsible one

²⁷ H. Ishaq, *Metode Penelitian Hukum Dan Penulisan Skripsi* (Bandung: ALFABETA, 2017).

²⁸ Peter. Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2011).

²⁹ Muhammad Ardhi Razaq Abqa et al., *Politik Hukum Pemilu* (JAMBI: PT. Sonpedia Publishing Indonesia, 2023), accessed January 8, 2024, https://www.researchgate.net/profile/Mohamad-Hidayat-Muhtar/publication/371735353_Penerbit/links/6492eb86b9ed6874a5c549fc/Penerbit.pdf.

³⁰ Lili Romli, *Islam Yes, Partai Islam Yes: Sejarah Perkembangan Partai-Partai Islam Di Indonesia* (Yogyakarta: Pustaka Pelajar, 2006).

in formulating the concept of a modern Islamic state, stated that the main premise of the concept of an Islamic state is shari'ah embodiment. According to him, shari'ah is the highest source of law. In Rasyid Ridho's view, shari'ah must require the assistance of power for the purpose of implementing it, and it is impossible to implement Islamic law in the absence of an Islamic state.³¹ Therefore, it can be said that the application of Islamic law is the only major criterion that is decisive for distinguishing between an Islamic state and a non-Islamic state.³²

Fazlur Rahman, on the other hand, did not express his opinion on the Islamic concept of the state strictly. Instead, he gave a flexible definition of the Islamic state without any certain conditions. He assumed an Islamic state to be a state established or inhabited by Muslims in order to fulfill their desire to carry out the commands of Allah through his revelation. About the implementation of the country's administration, Fazlur Rahman did not format it rigidly while insisting that the most important element to possess is the *shura* as a basis. With the institution of *shura* it is certainly required *ijtihad* efforts from all competent parties. Thus, said Fazlur Rahman, it will be possible between one Islamic country and another Islamic country; the implementation of the shari'ah of Islam will be different because it depends on the results of *ijtihad* of the *mujtahids* in the country concerned.³³

One of the influential thinkers in the Islamic world, Ibn Khaldun, divided the

process of establishing political power (*siyâsah*) or government into three types. First, politics or government, whose formation process is based on human political instinct to form society and to form power. Second, politics or government whose formation process is based on the consideration of reason alone without trying to seek guidance from divine light. It exists only in the speculations of philosophers. Third, politics or government whose formation process is carried out by observing religious rules outlined by the Shari'ah. This politics is based on the belief that God, as the creator of the *shariah*, is the one who knows best needed by humans so that they can be happy in this world and the hereafter. Ibn Khaldun called the first type as *al-Mulk al-Thabi'iy*, the second as *Al-Siyâsah Al-Madaniyah*, and the third as *Al-Siyasah Al-Diniyah* or *Syar'iyyah*.

In subsequent developments, studies of the state and its relation to religion always get a more special portion. This is what led to the emergence of a consensus among scholars who require the existence of government, although classical and contemporary studies have diverse opinions about the form of government. This obligation is based on the following factors:³⁴

1. *Ijma* shahabat,
2. Reject the disaster caused by a chaotic situation due to the absence of government,
3. Performing religious duties,
4. The pursuit of perfect justice.

On the relationship between religion and state, Islam from the beginning did not provide definite provisions on the concept and the desired state. According to the Qur'an, a Muslim is one who has absolutely

³¹ Rahmat Teguh Santoso Gobel et al., "Dialektika Norma Islam Dan Norma Hukum Positif Dalam Pembentukan Peraturan Daerah Tentang Pendidikan Al-Qur'an Di Provinsi Gorontalo," *Sultan Jurisprudence: Jurnal Riset Ilmu Hukum* 2, no. 2 (October 28, 2022): 196–213.

³² Asghar Ali Engineer, Imam Mutaqin, and Kamdani, *Devolusi Negara Islam* (Pustaka Pelajar, 2000).

³³ M. Hasbi Amiruddin, *Konsep Negara Islam Menurut Fazlur Rahman* (UII Press, 2006).

³⁴ Ash Shiddieqy and M. Hasbi, *Ilmu kenegaraan dalam fiqh Islam* (Bulan Bintang, 1971).

surrendered to Allah and his commands and believes in pure *tawhid* (the oneness of God) that isn't tainted with any *shirk*, and this is why the Almighty has introduced the prophet Abraham as a true:³⁵

1. Justice
(QS. 5: 8) be just, for that is nearer to piety.
2. Musyawarah
(QS. (42: 38) and their affair is decided between them by mutual consultation.
3. Promoting good and preventing evil
(QS.3: 110) you are the best community born to men, enjoining what is right and forbidding what is wrong disbelieve and believe in Allah.
4. Peace and brotherhood
(QS. 49: 10 those who believe are brothers, so make peace between your brothers and fear Allah that you may receive mercy.
5. Security
(QS. 2: 126 and remember when Abraham prayed: My Lord, make this a secure city.
6. Equation
(QS. 16:97 and 40: 40) and whoever does righteous deeds, whether male or female, and is a believer-we will surely give him a good life. 16:97).

Historically, the forerunner of the Islamic State, although in a very simple form and not so juridically formal, can be traced back to the post-birth of the Treaty of Hudaibiyah II (Medina Charter). The Prophet did not expressively articulate the establishment of the state, including the state religion, but the requirements as a state were met: Territory, government, people, sovereignty, and Constitution.³⁶ What is important to underline is that there is no mention of the

state of Medina at that time, so many people call the agreement a form of cooperation between various elements of society in a region.³⁷ It is the thing that until now, it has been debated and studied to find the formulation of what is called an Islamic state. In contemporary Islam, there is no unanimous agreement among modern Muslim political scholars about what exactly is contained in the concept of an Islamic state. The reality is easily seen with so many different systems of state and government in this world that consider themselves an Islamic state.

Although the state system must recognize the sovereignty of the state, it cannot be separated from the historical range of each country. For example, countries such as Saudi Arabia, Iran, Pakistan, or Sudan that apply a system of government based on Islam must be used as an example. Whereas Islam does not specifically regulate the state system, or, in a different question, can a state that only implements the values of Islamic universality be called an Islamic state?

The concept of Islamic government, either in the form of the caliphate or the Islamic State itself, basically cannot escape the terminology of the Islamic State. In fact, the term Islamic State (*dawlah Islamiyyah*) itself was only known in the 20th century, along with the independence of Islamic countries colonized by Western powers and the entry of nationalism brought by the colonialists. In Islamic jurisprudence, the term *dar al-Islam* (Islamic territory) refers to a territory controlled by Muslims. In contrast to the term *dar al-Islam*, which has the meaning of a peaceful country, the term *dar al-harb* (war zone) refers to a country

³⁵ Engineer, Mutaqin, and Kamdani, *Devolusi Negara Islam*.

³⁶ Muhammad Amin, "Pemikiran Politik Al-Mawardi," *Jurnal Politik Profetik* 4, no. 2 (2016), accessed February 1, 2024, <https://journal3.uin-alauddin.ac.id/index.php/jpp/article/view/2744>.

³⁷ Bustami Saladin, , "Studi Komparatif Metode Penafsiran Klasik dan Kontemporer Tentang Ayat Ahkam" (N.D.), Accessed February 1, 2024, <https://Core.Ac.Uk/Download/Pdf/289238898.Pdf>.

dominated by non-Muslims. Another term to refer to the category of non-Muslim countries is *dar al-muadah*, which is a non-Muslim country that binds agreements with Muslim countries.³⁸

Another term that is known to refer to the Islamic State is the term caliphate. The term *khilafah* is used mainly to refer to the era of leadership of the *Khulafa'urraSyidin*, but it also comes from a term that is clearly stated in the Qur'an.³⁹ The term *daulah* refers to the era of Umayyad, Abbasid, and Ottoman rule. However, the term *daulah* was not originally defined as a country as it has two meanings, namely rotation and circulation.⁴⁰

The term Islamic State is also gaining attention among Islamic jurists. Abu Hanifa, the founder of the Hanafi school, defined the Islamic State by placing a sense of security and freedom from the threat of enemies as its main characteristics. In addition, he also requires that all Islamic activities be carried out without interference. Even if a country does not practice Islamic law but the majority of the population is Muslim and the head of state is held by Muslims, then the country deserves to be called an Islamic state. Among the Shafi'i sects, one of his figures, Mohammad Abu Zahrah, argued that the Islamic State is the government, strength, and defense of a country dominated by Muslims. He also

requires that the country not practice usury, alcohol, or gambling, and that its people not eat pork⁴¹

It can be highlighted that the concept of an Islamic state or caliphate has deep and diverse meanings in Islamic history and thought. Starting from the era of the caliphate, represented by the term caliphate, to the use of *daulah* to describe the period of Umayyad, Abbasid, and Ottoman rule, this concept underwent an evolution. The views of scholars such as Abu Hanifa and Mohammad Abu Zahrah add a further dimension by underscoring aspects such as security and freedom, as well as religious principles, as essential characteristics of an Islamic state. They put forward the view that although Islamic law is not fully practiced, the existence of a Muslim majority and Muslim leadership can mark a country as an Islamic state.

Ideal form of religious and state relations in the Indonesian constitution

In the history of Islam, there are three typologies of the relationship between religion and state. Din Syamsudin divided it as follows: First, the group that argues that the relationship between religion and the state runs integrally. The domain of religion also becomes the domain of the state, and vice versa, so that the relationship between religion and the state does not exist at a distance and runs into a single entity. The leader of this movement is al-Maududi. Second, a group who argue that the relationship between religion and state is symbiotic and dynamically dialectical rather than directly related. This means that the two realms remain distinct and influence each other, allowing religion and state to coexist side by side. Both of them meet for

³⁸ The division of the terms and categories of the Islamic State that the jurists hold is described in detail in Yusuf al-Qaradawi, *Fiqh al-Jihad*, Cairo: Maktabah Wahbah 2009, p. 882-888. The book has been translated both in Malaysia and Indonesia under the title *fiqh jihad*.

³⁹ Amiruddin, *Konsep Negara Islam Menurut Fazlur Rahman*.

⁴⁰ There are three verses that clearly mention the term *khalifah* namely verse 30 surah Al Baqarah which means "Verily I (Allah) made man as a *Khalifah* on Earth". Verse 165 surah al an'am which means "and it is he who made you rulers in the Earth" and verse 26 surah Shad which means "O Dawud indeed we made you a caliph (ruler) in the Earth"

⁴¹ Omardin Haji Ashaari, *Sistem Politik Dalam Islam* (Kuala Lumpur: Yayasan Dakwah Islamiah Malaysia, 2008).

the sake of fulfilling their respective interests. Religion requires state institutions to accelerate its development, just as state institutions need religion to build a state that is fair and in accordance with the spirit of divinity. World Muslim leaders in this group include Abdullahi Ahmed An-Na'im, Muhammad Syahrur, Nasr Hamid Abu Zaid, Abdurrahman Wahid, and Nurcholish Madjid. Third, the group who argues that religion and the state are two different domains and there is no relationship at all. This group separates the relationship between religion and state politics. Therefore, these groups reject the state's grounding in religion or the formalization of religious norms into the legal system of the state.⁴²

Table 1. Diversity of perspectives on the relationship between religion and state in Islam.

Typology of Relationship	Description
Integral Relationship	Religion and state are integrated, with the domain of religion overlapping with that of the state and vice versa. This viewpoint, championed by al-Maududi, advocates for a unified entity where religion and state are indistinguishable
Symbiotic Relationship	Religion and state maintain distinct realms but dynamically influence each other. Both entities coexist side by side, meeting for mutual interests. This perspective, endorsed by figures like Abdullahi Ahmed An-Na'im and Abdurrahman Wahid, allows for the interaction between religion and state while preserving their separate identities.
Integral Relationship	Religion and state are integrated, with the domain of religion overlapping with that of the state and vice versa. This viewpoint, championed by al-Maududi, advocates for a unified entity where religion and state are indistinguishable
Symbiotic Relationship	Religion and state maintain distinct realms but dynamically influence each other. Both entities coexist side by side, meeting for mutual interests. This perspective, endorsed by figures like Abdullahi Ahmed An-Na'im and Abdurrahman Wahid, allows for the interaction between religion and state while preserving their separate identities
Separate Relationship	Religion and state are viewed as completely separate domains, with no direct relationship between them. Advocates of this viewpoint reject the incorporation of religious norms into state affairs and emphasize the secular nature of governance

⁴² Abdurrahman Wahid, *Politik demi Tuhan: nasionalisme religius di Indonesia* (Bandung: Pustaka Hidayah, 1999).

Table 1 presents the various perspectives on how religion and state interact within the context of Islam. Discourse on the repositioning of religion and the state, which is fundamental to include in the religion chapter of the 1945 Constitution was embodied unwittingly before Indonesia became independent, namely in 1940, when a polemic arose about the relationship between state and religion represented by prominent freedom fighters, namely Sukarno and Natsir.⁴³ The polemic was triggered by Bung Karno's article in Panji Islam magazine, entitled "Facilitating the Understanding of Islam." According to Sukarno, for the good of religion and state, the two must be separated.⁴⁴

Sukarno expressed admiration and support for what Kemal Attaruk did in Turkey in 1928, when the Turkish leader removed the contents of the Constitution that made Islam the state religion and then made religion a private matter. According to Sukarno, the abolition was precisely intended so that Islam would become more advanced under the people who adhered to it, not under the state; in other words, by handing over religious matters to each of its adherents. Therefore, responding to Sukarno's expression, Natsir openly stated, following the opinion that the state cannot be separated from religion according to the verse that gennie and humans are created nothing but to worship so that every Muslim has the to become a full servant of God to achieve happiness in the hereafter. The state has a very important meaning for Islam because the Qur'an and Sunnah do not have

⁴³ Moh Mahfud, *Perdebatan Hukum Tata Negara Pasca Amandemen Konstitusi* (Jakarta: Lp3es, 2007).

⁴⁴ Rahmat Teguh Santoso Gobel et al., "Local Legislation on Qur'anic Education in Gorontalo Province Were Crafted Using a Hybrid of Islamic Law and Positive Law," *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* 5, no. 4 (November 2, 2022): 30870–30880.

their own legs to keep their rules to be obeyed as they should. It started with Natsir, who criticized Kemal Attaturk, who was considered to throw Islam out of the Constitution in Turkey just because of an un-Islamic society. The polemic then continued until the sessions of BPUPKI and PPKI at that time.⁴⁵

Muslims generally believe in the holistic character of Islam. In their perception, Islam as a divine instrument for understanding the world is often seen as more than just a religion. Some people even claim that Islam can also be viewed as a religion and a state.⁴⁶ However, its articulation at the level of practice is a problematic issue. This is due, among other things, to the general characteristics of most Islamic teachings that allow multi-interpretation according to the contextual situation. Historically, in the first PPKI meeting on August 18, 1945.⁴⁷ At that time, the atmosphere of mysticism and the political situation in Indonesia changed dramatically following the proclamation of Indonesian independence on August 17, 1945. On August 18, 1945, PPKI elected Sukarno and Muhammad Hatta as president and vice president of the Republic of Indonesia respectively. At the same time, PPKI approved the charter script.

Jakarta Charter became the preamble of the 1945 Constitution, except for the seven words behind the divine precepts enshrined in Article 29 paragraph (1) of the 1945 Constitution. They read: "with the obligation to carry out Islamic law for its adherents" which has caused the hottest controversy in the last session of the BPUPK trial. The words were replaced by the word "one" that it became the one true God. As a consequence of the strikethrough of these seven words, in the torso of the 1945 Constitution, Article 6 paragraph 1 was also approved: "The president is a native Indonesian." Similarly, the content of Article 29 Verse 1 became: "The state is based on the Supreme God, without the seven words behind".⁴⁸

Tan Malaka, in his capacity as a communist leader had a high concern for reconciliation between communism and Islamism. At the fourth congress of the Comintern in November 1922, he openly denounced the Comintern's hostile attitude towards pan-Islamism, as it was seen as a reflection of the bourgeois unbelievable.

He also stressed the revolutionary potential of Islam in the occupied territories and the need for Communist parties to cooperate with radical Islamic groups. Between the two groups that are opposed to each other's nationality and Islam, there is a debate of views. Internal Islamic groups, on the one hand, do not fully want the unification of religion and state, as do national groups, which do not want complete separation from state affairs. No matter how different their views are through confrontation on the relationship of religion and state, there is no rejection of the divine values in the first trial of BPUPK (May 29–June 1) because divinity is an

⁴⁵ Mahfud, *Perdebatan Hukum Tata Negara Pasca Amandemen Konstitusi*.

⁴⁶ Ahmad Syafii Maarif, *Islam dan masalah kenegaraan : studi tentang percaturan dalam Konstituante* (Jakarta: LP3ES, Lembaga Penelitian, Pendidikan dan Penerangan Ekonomi dan Sosial, 1985).

⁴⁷ In a meeting between the chairman / vice chairman of PPKI with the Japanese government (Marsal Terautji), originally Sukarno and Hatta proposed the possibility of the first meeting of PPKI on August 25. On the proposal, Terautji invited the committee to decide for themselves. Back in the country, given the rapid changes and growing political pressure, PPKI's first meeting plan was accelerated to August 16. But on that date, Sukarno and Hatta were kidnapped by Rengasdengklok youth. The next day there was, the proclamation of Indonesian independence, so that the first session of PPKI could only be held on August 18.

⁴⁸ Yudi Latif, *Negara Paripurna: Historisitas, Rasionalitas, Dan Aktualitas* (Jakarta: Gramedia Pustaka Utama, 2011).

important foundation for the newly independent state of Indonesia at that time.

Nevertheless, if God becomes the foundation of a country, the clash of two understandings continued. It is difficult to find another possibility of looking at the relationship between state and religion outside the pattern of fusion and separation. Conceptual experiments were conducted to find alternative formulas. Actually, Sukarno did not really agree with the unification of Islam and the state, as seen in his speech on June 1, when elaborating on what he called the Philosophische Grudslag. He did not support the idea of Islam as the basis of the state but provided an opportunity for Islamic groups to organize themselves politically that would influence political decisions in representative institutions.⁴⁹

Historically, the ulama's acceptance of the existence of Pancasila as a state ideology is based on the fact that Indonesian citizens are pluralistic, so unity in diversity becomes a necessity. The failure of Germany to integrate other cultures living within its borders can be attributed to the arrogance displayed by European countries which hindered the implementation of effective integration policies by the German Home Ministry. This fact is different from the conditions in America, which, from the beginning, has built its culture based on the principle of melting pots or melting furnaces from various other cultures. Therefore, making local culture local wisdom proportionate in Indonesian life is the right choice.⁵⁰

Compromise efforts that have been made would have been the final choice of Pancasila as a philosophy as well as the ideology of the state. Regardless of whether

the country's policy is compatible with Islam and national groups, the meeting point is difficult to reach at times, considering that each has a strong argument. Indeed, the problem is the existence of foundation of the state, though it is found solution because Pancasila contains the national values consisting of values from each religion and culture.

It can be therefore said that the ideal form of the relationship between religion and state is in the Indonesian constitution, which reflects the complexity and dynamics of the history and aspirations of the Indonesian people. Pancasila, as the foundation of the state, has become a meeting point between various views that exist in Indonesia, including on the relationship between religion and the state. The controversy surrounding the Jakarta Charter and the removal of seven words from the preamble of the 1945 Constitution show an attempt to find a balance between the wishes of Islamist and nationalist groups.

In the context of cultural and religious plurality in Indonesia, Pancasila represents a compromise. The first precept, The Supreme Divinity, reflects the recognition of the importance of spiritual values within a framework that allows a diversity of religions and beliefs. This is in contrast to countries that base their systems on one religion or belief as reflected in some European and American countries.

Sukarno, in his speech on June 1, implied that while Islam held an important role in Indonesian politics, the country was not entirely based on Islamic principles alone. This opens up space for Islamic groups to participate politically and influence political decisions through representative institutions. However, Pancasila ideology still stands as the basis for accommodating this diversity. Then, the long history of

⁴⁹ Latif, *Negara Paripurna*.

⁵⁰ Moh Dahlan, "Hubungan Agama dan Negara Di Indonesia," *Analisis: Jurnal Studi Keislaman* 14, no. 1 (April 6, 2017): 1–28.

ulama's acceptance of Pancasila as a state ideology also marks the recognition that, in the context of Indonesia's diversity, harmony and unity are urgent needs. In contrast to some European countries' monocultural approach, Indonesia prefers to incorporate local wisdom and culture into the lives of its people.

Table 2. Historical events and ideological debates surrounding the relationship between religion and state in Indonesia.

Year	Event
1940	Polemic between Sukarno and Natsir on the relationship between religion and the state
1928	Kemal Ataturk removes Islamic content from the Turkish Constitution
1945	PPKI elects Sukarno and Muhammad Hatta as president and vice president; approves the Jakarta Charter
1945	Controversy over the removal of seven words from the preamble of the 1945 Constitution

Based on the explanation in Table 2, the following table explains a structured manner the historical and ideological aspects related to the ideal form of relationship between religion and the state in Indonesia.

Table 3. Ideal Form of Relationship between Religion and State in Indonesia.

Typology	Historical Context and Key Figures	Position in Indonesian Constitution	Compromises and Controversies
Integral	Advocated by Al-Maududi, suggests a theocratic relationship between state and religion.	Initially not adopted due to Indonesia's diversity.	Excluded from the Jakarta Charter due to resistance to a theocratic state.
Symbiotic and Dynamically Dialectical	Figures like Abdurrahman Wahid and Nurcholish Madjid propose a coexisting relationship.	Embodied in Pancasila and the 1945 Constitution, acknowledging divinity.	Controversy over the Jakarta Charter shows tensions between ideologies.
Separate Domains	Sukarno's admiration for Kemal Atatürk's secular reforms in Turkey.	1945 Constitution establishes a secular state with recognition of divinity.	Removal of seven words from Jakarta Charter reflects compromise

In this context, the ideal relationship between religion and state in the Indonesian constitution does not seem to lead to a

complete merger or total separation, but rather to a form of harmonization. Where religious values are respected and integrated within the broader framework of Pancasila, which supports the principles of pluralism and democracy, This compromise, although challenging and sometimes contentious, has been a solution that has allowed Indonesia to remain united in the midst of its religious and cultural diversity.

Conclusion

In the Islamic world, the relationship between state and religion is characterized by a deep integration, where Islam provides comprehensive guidance for both political and social aspects. This paradigm often sees the head of state wielding both political and religious authority, with divine sovereignty underpinning the governance system. In contrast, Indonesia maintains a dynamic balance by ensuring that Islamic norms are incorporated into the national legal system only through constitutional means. The integration of Islamic principles must align with Pancasila and the 1945 Indonesian constitution, reflecting Indonesia's commitment to harmonizing its majority Muslim identity with democratic and pluralistic values. This approach ensures a respectful and balanced coexistence of religious and constitutional principles.

Credit Authorship Contribution

Zainal Abidin Muhja: Methodology, Investigation, Writing - Original Draft, and Supervision. **Arifin Faqih Gunawan:** Methodology, Resources, and Writing - Review & Editing. **Erman I Rahim:** Methodology, Formal analysis, and Writing - Review & Editing. **Sardjana Orba Manullang:** Methodology, Formal analysis, and Writing - Review & Editing. **Chami Yassine:** Methodology, Formal analysis, and Writing - Review & Editing.

Declaration of Competing Interest

The authors declare no competing interests related to this study. No financial or personal conflicts of interest are present.

Acknowledgements

The authors thank the Faculty of Teacher Training and Education, University of Borneo Tarakan, Indonesia, Faculty of Law, Pertiba University, Indonesia, Faculty of Law, Gorontalo State University, Indonesia, Faculty of Law, Krisnadwipayana University, Indonesia, and College of Law, Dhofar University, Sultanate of Oman, for their support and resources.

References

- Abqa, Muhammad Ardhi Razaq, Dedi Mulyadi, Moh Mujibur Rohman, Mia Amalia, Jeferson Tanesab, and Junaidi, *Politik hukum pemilu*. Jambi: PT. Sonpedia Publishing Indonesia, 2023. Accessed January 8, 2024. https://www.researchgate.net/profile/Mohamad-Hidayat-Muhtar/publication/371735353_Penerbit/links/6492eb86b9ed6874a5c549fc/Penerbit.pdf.
- Achir, Nuvazria, and Mohamad Hidayat Muhtar. "Analisis Inovatif Peraturan Daerah dalam Pengelolaan Zakat Perspektif Prinsip-Prinsip Pemerintahan yang Baik." *Al-Mizan* 19, no. 1 (June 30, 2023): 163–184.
- Amin, Muhammad. "Pemikiran Politik Al-Mawardi." *Jurnal Politik Profetik* 4, no. 2 (2016). Accessed February 1, 2024. <https://journal3.uin-alauddin.ac.id/index.php/jpp/article/view/2744>.
- Amiruddin, M. Hasbi. *Konsep Negara Islam Menurut Fazlur Rahman*. UII Press, 2006.
- Ashaari, Omardin Haji. *Sistem Politik Dalam Islam*. Kuala Lumpur: Yayasan Dakwah Islamiah Malaysia, 2008.
- Chemerinsky, Erwin. *Constitutional Law: Principles and Policies*. Aspen Publishing, 2019.
- Dahlan, Moh. "Hubungan Agama Dan Negara Di Indonesia." *Analisis: Jurnal Studi Keislaman* 14, no. 1 (April 6, 2017): 1–28.
- Engineer, Asghar Ali, Imam Mutaqin, and Kamdani. *Devolusi Negara Islam*. Pustaka Pelajar, 2000.
- Gobel, Rahmat Teguh Santoso, Moh Ihsan Husnan, Novendri Nggilu, Raihan Sahrul Adnan, and Moh Hidayat Muhtar. "Dialektika Norma Islam Dan Norma Hukum Positif Dalam Pembentukan Peraturan Daerah Tentang Pendidikan Al-Qur'an Di Provinsi Gorontalo." *Sultan Jurisprudence: Jurnal Riset Ilmu Hukum* 2, no. 2 (October 28, 2022): 196–213.
- Gobel, Rahmat Teguh Santoso, Moh Ihsan Husnan, Novendri Nggilu, Raihan Sahrul Adnan, and Mohamad Hidayat Muhtar. "Local Legislation on Qur'anic Education in Gorontalo Province Were Crafted Using a Hybrid of Islamic Law and Positive Law." *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* 5, no. 4 (November 2, 2022): 30870–30880.
- Hadi, Muhammad. "The Relevance of Islamic Law and Positive Law in State Safety Management: Literacy Study of Islam and National Law." *Madania: Jurnal Kajian Keislaman* 26, no. 1 (July 6, 2022): 85–94.
- Harahap, Tuti Khairani, Yuyut Prayuti, Nining Latianingsih, Amsari Damanik, Tiyas Maheni, Ida Farida, Mohamad Hidayat Muhtar, and Mustaqim. "Pengantar Ilmu Hukum." *Penerbit Tahta Media* (May 30, 2023). Accessed February 1, 2024. <https://tahtamedia.co.id/index.php/issj/article/view/255>.
- Hefner, Robert W. "Islam and Institutional Religious Freedom in Indonesia." *Religions* 12, no. 6 (June 2021): 415.
- Heradhyaksa, Bagas, and Jasri Jamal. "The Opportunities of the Application of

- Islamic Criminal Law According to Indonesian Constitution.” *Journal of Islamic Law Studies* 2, no. 2 (2017): 1.
- Hudayana, Bambang. “Identity Shift: From Javanese Islam to Shari’ah-Centric Muslims in the Trah, a Kinship-Based Social Organisation.” *Contemporary Islam* 16, no. 2 (October 1, 2022): 401–426.
- Indrayana, Denny. *Negara antara ada dan tiada: reformasi hukum ketatanegaraan*. Penerbit Buku Kompas, 2008.
- Ishaq, H. *Metode Penelitian Hukum Dan Penulisan Skripsi*. Bandung: ALFABETA, 2017.
- Jafar, Wahyu Abdul. “Persepsi Masyarakat Kota Bengkulu Terhadap Paham Islam Moderat.” *JURNAL ILMIAH MIZANI: Wacana Hukum, Ekonomi, dan Keagamaan* 5, no. 1 (2018): 75–92.
- Karimullah, Suud Sarim. “Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law.” *Mazahib* 21, no. 2 (December 27, 2022): 213–244.
- Kasiono, Muhammad Amri, and Indo Santalia. “Islam Ditinjau Dari Berbagai Aspeknya.” *Jurnal Ilmu Pendidikan dan Sosial* 1, no. 4 (January 6, 2023): 533–548.
- Khaera, Nur, and Abdul Rahman. “The Paradigm of Islamic Legal Products in Indonesia.” *Mazahibuna: Jurnal Perbandingan Mazhab* (2022): 31–48.
- Latif, Yudi. *Negara Paripurna: Historisitas, Rasionalitas, Dan Aktualitas*. Jakarta: Gramedia Pustaka Utama, 2011.
- Lukens-Bull, Ronald, and Mark Woodward. “Variation of Muslim Practice in Indonesia.” In *Handbook of Contemporary Islam and Muslim Lives*, edited by Ronald Lukens-Bull and Mark Woodward, 619–640. Cham: Springer International Publishing, 2021. Accessed February 1, 2024. https://doi.org/10.1007/978-3-030-32626-5_78.
- Maarif, Ahmad Syafii. *Islam dan masalah kenegaraan: studi tentang percaturan dalam Konstituante*. Jakarta: LP3ES, Lembaga Penelitian, Pendidikan dan Penerangan Ekonomi dan Sosial, 1985.
- Mahfud, Moh. *Perdebatan Hukum Tata Negara Pasca Amendemen Konstitusi*. Jakarta: Lp3es, 2007.
- Mahmud Marzuki, Peter. *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group, 2011.
- Mathar, Ahmad, Hardianti Hardianti, Misbahuddin Misbahuddin, and Kurniati Kurniati. “Islamic Legal Thought Implementation in Indonesia.” *Journal of Social Science* 3, no. 4 (July 30, 2022): 898–905.
- Muhtar, Mohamad Hidayat, Nur Mohamad Kasim, and Irma Suryani. “The Role and Impact of Local Sharia Regulations in Indonesia’s Constitutional Law (a Study of Characteristics Sharia Local Regulations)” (June 13, 2023). Accessed November 21, 2023. <https://ejournal.unida.gontor.ac.id/index.php/tsaqafah/article/view/8717>.
- Muhtar, Mohamad Hidayat, Chami Yassine, Said Amirulkamar, Abdennour Hammadi, Viorizza Suciani Putri, and Nuvazria Achir. “Critical Study of Sharia Regional Regulations on Women’s Emancipation.” *International Journal of Religion* 5, no. 2 (January 16, 2024): 23–26.
- Romli, Lili. *Islam Yes, Partai Islam Yes: Sejarah Perkembangan Partai-Partai Islam Di Indonesia*. Yogyakarta: Pustaka Pelajar, 2006.
- Saladin, Bustami, “Studi Komparatif Metode Penafsiran Klasik dan Kontemporer Tentang Ayat Ahkam” (N.D.),

- Accessed February 1, 2024,
<https://core.ac.uk/download/pdf/289238898.pdf>.
- Shiddieqy, Ash, and M. Hasbi. *Ilmu kenegaraan dalam fiqh Islam*. Bulan Bintang, 1971.
- Sukardja, Ahmad. *Hukum Tata Negara & Hukum Administrasi Negara: Dalam Perspektif Fikih Siyasah*. Sinar Grafika, 2012.
- Sulardi, Sulardi. "Rekonstruksi Sistem Pemerintahan Presidensiil Berdasar Undang- Undang Dasar 1945 Menuju Sistem Pemerintahan Presidensiil Murni." *Jurnal Konstitusi* 9, no. 3 (2012): 515–530.
- Suryani, Irma. "The Role and Impact of Local Sharia Regulation in Indonesia's Constitutional Law" (2023). Accessed February 1, 2024.
https://repo.iainbatusangkar.ac.id/xmlui/bitstream/handle/123456789/28305/1687751980250_21.pdf?sequence=1.
- Suryani, Irma, Mohamad Hidayat Muhtar, Yogi Muhammad Rahman, Belardo Prasetya Mega Jaya, and Awad Al Khalaf. "Integration of Islamic Law in Regional Development in Indonesia." *JURIS (Jurnal Ilmiah Syariah)* 22, no. 1 (April 30, 2023): 1–11.
- Wahid, Abdurrahman. *Politik demi Tuhan: nasionalisme religius di Indonesia*. Bandung: Pustaka Hidayah, 1999.
- Widodo, Ibnu Sam, Mohamad Hidayat Muhtar, Didik Suhariyanto, Deni Yusup Permana, Chairul Bariah, Muhammad Fajar Sidiq Widodo, Josef Mario Monteiro, et al. *Hukum Tata Negara*. Sada Kurnia Pustaka, 2023.
- Zionis, Rijal Mumazziq. "Konsep Kenegaraan Dalam Islam: Perdebatan Relasional Yang Tak Kunjung Tuntas." *Jurnal Falasifa*. Vol 1 (2010)..